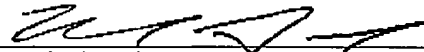


PATENT

JAN 26 2006
MS136622.01 / MSFTP272USCERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence (along with any paper referred to as being attached or enclosed) is being faxed to 571-273-8300 on the date shown below to Mail Stop Appeal Brief - Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Date: 2-26-06
Himanshu S. Amin

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:

Applicant(s): Eric J. Horvitz *et al.*

Examiner: Rachna Singh

Serial No: 09/364,522

Art Unit: 2176

Filing Date: July 30, 1999

Title: METHODS FOR DISPLAY, NOTIFICATION, AND INTERACTION WITH
PRIORITIZED MESSAGES

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

REPLY BRIEF

Dear Sir:

Appellants' representative submits this Reply Brief in response to the Examiner's Answer dated November 29, 2005. A Request for Oral Hearing and a credit card payment form are filed concurrently herewith, wherein the credit card payment form is believed to cover all fees due regarding this document and the Request for Oral Hearing. In the event any additional fees may be due and/or are not covered by the credit card, the Commissioner is authorized to charge such fees to Deposit Account No. 50-1063 [MSFTP272US].

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REMARKS

Claims 1-43 are currently pending and are presently under consideration. Favorable reconsideration of the subject patent application is respectfully requested in view of the comments herein. In particular, the following comments address deficiencies contended in the Examiner's Answer to appellants' Appeal Brief.

I. Regarding the Rejection of Claims 1-3, 8-12, 19-28, 32-34, 37, and 41-43 Under 35 U.S.C. §103(a)

The Examiner incorrectly maintains the rejection of claims 1-3, 8-12, 19-28, 32-34, 37, and 41-43 under 35 U.S.C. §103(a) over Forscher ("CyberNag (Mailmen Division) Project Notebook," http://www.cc.gatech.edu/computing/classes/cs3302_96_winter/projects/groups/MailMen, 1996) in view of Cohen ("Learning Rules that Classify E-Mail," <http://www-2.cs.cmu.edu/~wcohen/pubs-t.html>, 1996) and Lewis ("Evaluating and Optimizing Autonomous Text Classification Systems," ACM, 1995). It is respectfully submitted that the assertions brought forth in the Final Office Action and the Examiner's Answer are incorrect in view of at least the reasons set forth below as well as in appellants' Appeal Brief.

The subject invention as recited in independent claims 1, 19, and 26 relates to prioritized document display, notification, and interaction. (See pg. 2, line 19). In particular, besides receiving a document, prioritizing a document, and alerting a user to the document, the claimed invention enables *determining whether a user is busy*. For example, this determination may be made based on the rate at which a user is working on a computer, whether the user is on the telephone, speaking with someone, or at a meeting (See pg. 22, ll. 1-5), and noting whether the user checked a box indicating he or she is busy. (See pg. 30, ll. 6-10).

Forscher describes an e-mail parsing module and Cohen describes e-mail classification rules. The Examiner concedes that Forscher and Cohen do not disclose *determining whether a user is busy* (See Final Office Action Dated May 25, 2005, pg. 4) and therefore offers Lewis. Lewis discloses measuring, estimating, and optimizing the effectiveness of decisions for text retrieval systems, focusing on one that determines

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whether or not a document belongs to a single class. (See pg. 246, col. 2). The Examiner maintains that Lewis discloses determining whether a user is busy at pg. 246, col. 2. (See Examiner's Answer Dated November 29, 2005, pg. 20). The Examiner further maintains that Lewis's expected loss of non-review takes into account whether or not the user is busy. In addition, the Examiner again maintains that by recognizing the decision of which items are important enough to be "grounds for disturbing the user," Lewis is considering whether the user is busy because there would be no need to determine the loss of non-review if the user has already viewed the document. (See Examiner's Answer Dated November 29, 2005, pg. 20). Appellants' representative respectfully disagrees.

At the indicated passage, Lewis describes a system and method that decides which items are relevant enough to warrant disturbing the user. (See pg. 246, col. 2). Lewis computes a score that indicates how good past and test decisions were, estimates the effectiveness of future decisions, and tunes the system based on expected effectiveness. (See pg. 247, col. 1-2). To determine whether the information constitutes "highly relevant material" (See pg. 246, col. 2), Lewis considers the *content of the material* and *empirical decisions* to decide if the user should be disturbed, assuming that users only want to be notified of important information. (See pg. 246, col. 2).

The comment that "there would be no need to determine the loss of non-review if the user has already viewed the document (*i.e.*, the user is not busy)" (See Examiner's Answer Dated November 29, 2005, pg. 20) fails to provide a connection between determining whether a user has already viewed a document and whether the user is busy. Rather, if a user has already viewed a document, Lewis *still does not know if the user is busy*. Simply because the cited reference discusses the ability to determine whether a document has been viewed or is highly relevant does not mean the reference teaches or suggests *determining whether a user is busy*. Whether a document is important, relevant, highly relevant, irrelevant, viewed, or not viewed is separate and distinct from *determining whether a user is busy*.

Furthermore, disturbing the user only with important information does not teach or suggest determining whether a user is busy. In reference to the Examiner's explanation (See Examiner's Answer Dated November 29, 2005, pg. 20), mere use of the word "*disturb*" does not assume a user is busy. Even if someone were to be sitting in a

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chair and doing nothing but staring at his desk, an interruption would still be referred to as *disturbing* that person—the word “disturb” can still be used when someone is obviously not busy, thus a connection between the words disturb and busy cannot be assumed. The cited reference does not evaluate any factors of the user’s present environment, let alone *determine whether a user is busy*. Thus, Lewis fails to teach or suggest such aspect as claimed.

The Examiner additionally introduces the argument that “the step of determining whether a user is busy is not a requirement to alerting a user to the document based on a predetermined criteria.” (See Examiner’s Answer Dated November 29, 2005, pg. 20). Appellants’ representative asserts that choosing not to relate the two steps in independent claims 1, 19, and 26 does not change the fact that Lewis does not determine whether a user is busy, as claimed. Claims 10, 24, and 42 (that depend from independent claims 1, 19, and 26, respectively) more specifically cover this relation. (See e.g., claim 10 recites: upon determining that the user is busy, alerting the user only upon determining that the priority of the document is greater than the predetermined threshold). However, Lewis does not teach or suggest determining whether a user is busy as stated in the independent claims, let alone any type of relation between a busy determination and an alert as more specifically recited in the dependent claims.

Furthermore, claim 32 recites an *interaction context* that is active for a period of time following an alert that the document priority has exceeded a threshold and claim 33 recites that the user is able to *make a gesture while the interaction context is active* to view the document. While the interaction context is temporarily active, gestures such as wiggling the mouse quickly from side to side can allow a user to view the document. (See pg. 28, ll. 5-15). Forscher, Cohen, and Lewis, alone or in combination, do not teach or suggest such claimed aspects.

The Examiner concedes that Forscher and Cohen do not teach these aspects, but maintains that Lewis discloses such aspect at pages 246-249 and asserts that it is “inherent in Lewis’s system.” (See Examiner’s Answer Dated November 29, 2005, pg. 21). Appellants’ representative respectfully disagrees.

Although Lewis describes “alerting” and “disturbing” a user (See pg. 246, col. 2), the cited reference is silent with respect to an *interaction context* that is active for a

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period of time following an alert, as stated in claim 32, allowing a user to *make a gesture while the interaction context is active* to view the document, as recited in claim 33. The cited reference fails to describe *how* such “alerting” and “disturbing” of the user proceeds and instead focuses on how the decision of whether to alert or disturb the user is made. While it may be inherent that some sort of document retrieval system would be implemented to access a document, it is not inherent that said system corresponds specifically to an *interaction context* (i.e., claim 32) where a user is able to *make a gesture while the interaction context is active to view the document* (i.e., claim 33).

In view of at least the foregoing, it is readily apparent that Forscher, Cohen, and Lewis, alone or in combination, do not teach or suggest the invention as recited in independent claims 1, 19, and 26 (and associated dependent claims 2-3, 8-12, 20-25, 27-28, 32-34, 37, and 41-43). Accordingly, this rejection should be reversed.

II. Regarding the Rejection of Claims 4-7, 29, and 38-40 Under 35 U.S.C.

§103(a)

The Examiner incorrectly maintains the rejection of claims 4-7, 29, and 38-40 under 35 U.S.C. §103(a) as being unpatentable over Forscher in view of Cohen and Lewis, and further in view of Henderson *et al.* (US 6,185,603 B1). Reversal of this rejection is requested for at least the following reason. Claims 4-7 depend from independent claim 1 and claims 29 and 38-40 depend from independent claim 26. Henderson *et al.* teaches providing a plurality of codes for controlling certain features of an alerting message and a predefined escape sequence for use by the sender that is recognizable by a dedicated server that enables these codes. (*See* col. 2, ll. 15-18). Henderson *et al.* fails to teach or suggest determining whether a user is busy and therefore does not cure the aforementioned deficiencies of Forscher, Cohen, and Lewis with respect to independent claims 1 and 26. Thus, this rejection should be reversed.

III. Regarding the Rejection of Claims 30-31 Under 35 U.S.C. §103(a)

The Examiner incorrectly maintains the rejection of claims 30-31 under 35 U.S.C. §103(a) as being unpatentable over Forscher in view of Cohen and Lewis, and further in view of Doi (US 5,077,668). Reversal of this rejection is requested for at least the

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following reason. Claims 30-31 depend from independent claim 26, which is believed to be in condition for allowance. Doi teaches producing an abstract of a document from given document data. (See col. 1, ll. 9-10). However, Doi fails to teach or suggest determining whether a user is busy and thus fails to cure the above noted deficiencies of Forscher, Cohen, and Lewis with respect to independent claim 26. Therefore, this rejection should be reversed.

IV. Regarding the Rejection of Claims 13-14, 16, and 35-36 Under 35 U.S.C. §103(a)

The Examiner incorrectly maintains the rejection of claims 13-14, 16, and 35-36 under 35 U.S.C. §103(a) as being unpatentable over Forscher in view of Cohen, Lewis, and Platt (US 6,327,581 B1). Reversal of this rejection is requested for at least the following reason. Independent claim 13 recites *determining whether a user is busy*. Forscher, Cohen, Lewis, and Platt, alone or in combination, do not teach or suggest such aspect.

Forscher describes an e-mail parsing module, Cohen describes e-mail classification rules, and Platt describes using support vector machines to classify objects. The Examiner concedes that Forscher, Cohen, and Platt do not disclose *determining whether a user is busy*. (See pg. 14). In order to cure this deficiency, the Examiner offers Lewis. As discussed above, Lewis does not determine whether a user is busy and thus fails to teach or suggest such claimed aspect.

In view of at least the foregoing, it is readily apparent that Forscher, Cohen, Lewis, and Platt, alone or in combination, do not teach or suggest the invention as recited in independent claim 13 (and associated dependent claims 14 and 16). Claims 35-36 depend from independent claim 26 and as explained above, Forscher, Cohen, Platt, and Lewis, alone or in combination, do not teach or suggest the novel aspect of determining whether a user is busy. Accordingly, this rejection should be reversed.

V. Regarding the Rejection of Claims 15, 17, and 18 Under 35 U.S.C. §103(a)

Claims 15, 17, and 18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Forscher in view of Cohen, Lewis, and Platt. As noted above,

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Forscher, Cohen, Lewis, and Platt, alone or in combination, do not teach or suggest the invention as recited in independent claim 13 from which claims 15, 17, and 18 depend. This rejection should be reversed.

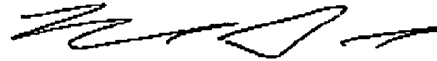
VI. Conclusion

For at least the above reasons, the claims currently under consideration are believed to be patentable over the cited references. Accordingly, it is respectfully requested that the rejections of claims 1-43 be reversed.

If any additional fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP272US].

Respectfully submitted,

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